United Nations S/2006/405

Security Council

Distr.: General
15 June 2006

Original: English

United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Recalling its previous resolutions and the statements of its President concerning Liberia, Sierra Leone, and West Africa, in particular its resolutions 1470 (2003) of 28 March 2003, 1508 (2003) of 19 September 2003, 1537 (2004) of 30 March 2004 and 1638 (2005) of 11 November 2005,

Recalling that the Special Court for Sierra Leone ("the Special Court") was established by Agreement between the United Nations and the Government of Sierra Leone on 16 January 2002 ("the Agreement") pursuant to its resolution 1315 (2000) of 14 August 2000,

Recalling article 10 of the Agreement pursuant to which the Special Court may meet away from its seat if it considers it necessary for the efficient exercise of its functions, and recalling also Rule 4 of the Rules of Procedure and Evidence of the Special Court pursuant to which the President of the Special Court may authorize a Chamber or a Judge to exercise their functions away from the seat of the Special Court,

Recalling the Council's determination to end impunity, establish the rule of law and promote respect for human rights and to restore and maintain international peace and security, in accordance with international law and the purposes and principles of the Charter,

Expressing its appreciation to Liberian President Johnson-Sirleaf for her courageous decision to request the transfer of former President Taylor in order that he may be tried at the Special Court,

Expressing its appreciation to President Obasanjo of Nigeria on his decision to facilitate the transfer of former President Taylor, and noting the role Nigeria has played in securing and promoting peace in Liberia and the wider subregion, including President Obasanjo's decision in 2003 to facilitate the removal of former President Taylor from Liberia which allowed the Comprehensive Peace Agreement to take effect, and recognizing the contribution made by the Economic Community of West African States (ECOWAS) in this regard,

Recognizing that the proceedings in the Special Court in the case against former President Taylor will contribute to achieving truth and reconciliation in Liberia and the wider subregion,

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Expressing that it remains committed to assisting the Governments of Liberia and Sierra Leone in their efforts to a more stable, prosperous and just society,

Reiterating its appreciation for the essential work of the Special Court and its vital contribution to the establishment of the rule of law in Sierra Leone and the subregion,

Welcoming the transfer of former President Taylor to the Special Court on 29 March 2006, and noting that at present the trial of former President Taylor cannot be conducted within the subregion due to the security implications if he is held in Freetown at the Special Court,

Noting that it is not feasible for the trial of former President Taylor to be hosted at the premises of the International Criminal Tribunal for Rwanda due to its full engagement on the completion strategy, and that no other international criminal tribunals exist for the trial of former President Taylor in Africa,

Taking note of the exchange of letters between the President of the Special Court and the Minister of Foreign Affairs of the Kingdom of the Netherlands dated 29 March 2006 ("the exchange of letters dated 29 March 2006"),

Taking note also of the Memorandum of Understanding between the Special Court and the International Criminal Court dated 13 April 2006 ("the Memorandum dated 13 April 2006"),

Noting that former President Taylor has been brought before the Special Court at its seat in Freetown and determining that the continued presence of former President Taylor in the subregion is an impediment to stability and a threat to the peace of Liberia and of Sierra Leone and to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Takes note* of the intention of the President of the Special Court to authorize a Trial Chamber to exercise its functions away from the seat of the Special Court, and his request to the Government of the Netherlands to host the trial, including any appeal;

2. *Welcomes* the willingness of the Government of the Netherlands, as expressed in the exchange of letters dated 29 March 2006, to host the Special Court for the detention and trial of former President Taylor, including any appeal;

3. *Takes note* of the willingness of the International Criminal Court, as requested by the Special Court and as expressed in the Memorandum dated 13 April 2006 to allow the use of its premises for the detention and trial of former President Taylor by the Special Court, including any appeal;

4. *Requests* all States to cooperate to this end, in particular to ensure the appearance of former President Taylor in the Netherlands for purposes of his trial by the Special Court, and encourages all States as well to ensure that any evidence or witnesses are, upon the request of the Special Court, promptly made available to the Special Court for this purpose;

5. *Requests* the Secretary-General to assist, as a matter of priority, in the conclusion of all necessary legal and practical arrangements, including for the transfer of former President Taylor to the Special Court in the Netherlands and for

the provision of the necessary facilities for the conduct of the trial, in consultation with the Special Court, as well as the Government of the Netherlands;

6. *Requests* the Special Court, with the assistance of the Secretary-General and relevant States, to make the trial proceedings accessible to the people of the subregion, including through video link;

7. *Decides* that the Special Court shall retain exclusive jurisdiction over former President Taylor during his transfer to and presence in the Netherlands in respect of matters within the Statute of the Special Court, and that the Netherlands shall not exercise its jurisdiction over former President Taylor except by express agreement with the Special Court;

8. *Decides further* that the Government of the Netherlands shall facilitate the implementation of the decision of the Special Court to conduct the trial of former President Taylor in the Netherlands, in particular by:

(a) Allowing the detention and the trial in the Netherlands of former President Taylor by the Special Court;

(b) Facilitating the transport upon the request of the Special Court of former President Taylor within the Netherlands outside the areas under the authority of the Special Court;

(c) Enabling the appearance of witnesses, experts and other persons required to be at the Special Court under the same conditions and according to the same procedures as applicable to the International Criminal Tribunal for the former Yugoslavia;

9. *Decides* that the measures imposed by subparagraph 4 (a) of resolution 1521 (2003) of 22 December 2003 shall not apply to former President Taylor for the purposes of any travel related to his trial before the Special Court, as well as any travel related to the execution of the judgment, and also to exempt from the travel ban the travel of any witnesses whose presence at the trial is required;

10. *Recalls* that the costs to be incurred as a result of the trial of former President Taylor in the Netherlands are expenses of the Special Court in the sense of article 6 of the Agreement and that no additional costs can be incurred by any other party without their prior consent;

11. *Recalls* the Secretary-General's letter of 5 April 2006 and reiterates its appeal to States to contribute generously to the Special Court and notes with appreciation the States which have done so in the past;

12. *Decides* to remain seized of the matter.

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Security Council

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15 June 2006

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Letter dated 15 June 2006 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

Following the Security Council informal consultations this afternoon, I am writing to draw your attention to the attached written Ministerial statement of 15 June 2006 (see annex) by the Secretary of State for Foreign and Commonwealth Affairs (Mrs. Margaret Beckett), which includes the following:

> "At the request of the United Nations Secretary-General, I have therefore agreed that, subject to Parliamentary legislative approval, the United Kingdom would allow former President Taylor, if convicted and should circumstance require, to enter the United Kingdom to serve any sentence imposed by the Court. This is entirely without prejudice to the eventual location or outcome of the trial. Former President Taylor's right to a fair trial must be respected."

I would be grateful if you could circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Emyr **Jones Parry**

06-39063 (E) 150606

Annex to the letter dated 15 June 2006 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland addressed to the President of the Security Council

Written Ministerial statement on Sierra Leone by the Secretary of State for Foreign and Commonwealth Affairs

Since 29 March, former President of Liberia, Charles Taylor, has been in detention at the Special Court for Sierra Leone in Freetown, indicted for crimes against humanity and war crimes allegedly committed during Sierra Leone's brutal civil war.

Regional leaders and the wider international community judge his continued presence there to pose a considerable and immediate threat to regional security. An attempt to free him by force, for example, even if unsuccessful, could jeopardize the fragile security of Sierra Leone, Liberia and neighbouring States.

It is for this reason that regional leaders and the international community have supported the proposal to hold the trial outside the region, as is provided for in the agreement establishing the Court.

The Government of the Netherlands has agreed that it would allow the trial to take place before the Special Court for Sierra Leone sitting in The Hague. If acquitted, former President Taylor would be free to leave the Netherlands. If convicted, he would serve any sentence imposed by the Court.

The Dutch offer is conditional upon a State agreeing now to allow former President Taylor, if convicted and should circumstances require, to serve his sentence in that State. Once that condition is met, the proposal to transfer the trial could be discussed again by the United Nations Security Council, where a draft resolution establishing a legal basis for transfer is already in circulation.

At the request of the United Nations Secretary-General, I have therefore agreed that, subject to parliamentary legislative approval, the United Kingdom would allow former President Taylor, if convicted and should circumstances require, to enter the United Kingdom to serve any sentence imposed by the Court. This is entirely without prejudice to the eventual location or outcome of the trial. Former President Taylor's right to a fair trial must be respected.

Were the Court to acquit former President Taylor, we would not be required to allow him to come to the United Kingdom. Were he to be convicted, and subsequently released after serving a sentence, the expectation at this stage is that former President Taylor would leave or face removal from the United Kingdom.

By offering these assurances, we are removing one potential obstacle to allowing the trial to proceed. We are also demonstrating the absolute determination of the United Kingdom to see the alleged perpetrators of genocide, crimes against humanity and war crimes held to account.

The United Kingdom has a strong international reputation as one of the world's leading advocates for international justice. We played a key role in negotiating the establishment of the International Criminal Court as well as the

establishment of other international criminal tribunals relating to the former Yugoslavia and Rwanda, as well as the Special Court for Sierra Leone itself.

Agreeing to allow former President Taylor, if convicted and should circumstances require, to serve his sentence in the United Kingdom sends a strong signal of our willingness to combat impunity by assisting in bringing those who bear the greatest responsibility for war crimes, crimes against humanity and genocide to justice.

Former President Taylor's handover to the Special Court in Freetown was an historic day for the people of Sierra Leone and West Africa. The international community must not fail them by asking them to run the risk associated with his continued presence in Freetown. It is for that reason that we have decided to take this step.

The United Kingdom has been a key player in efforts to support Sierra Leone, Liberia and the wider region, as it seeks to bring an end to the cycle of destruction and violence that it has suffered for so long.

We were also instrumental in bringing peace to Sierra Leone, and have supported Sierra Leone as it has built upon that peace and worked to put the years of war decisively in the past. Our action today will help to close the chapter of conflict by allowing the trial of former President Taylor, which will determine the truth regarding his alleged involvement in Sierra Leone's vicious civil war, to go ahead.

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Security Council

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16 June 2006

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Report by the Secretary-General concerning the credentials of the alternate representative of the Russian Federation on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 14 June 2006 from the Permanent Mission of the Russian Federation to the United Nations stating that Mr. Gennady V. Kuzmin has been appointed alternate representative of the Russian Federation on the Council.

In the opinion of the Secretary-General, this note verbale constitutes adequate provisional credentials.

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Security Council

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Letter dated 14 June 2006 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit this letter to you in order to draw your attention further to the situation prevailing between my country and neighbouring Sudan. As indicated by my head of State during the audience granted in N'Djamena to the members of the Security Council, the planned destabilization of the national institutions of Chad has never stopped in spite of the commitments made by the Sudanese Government under the agreement signed by the two heads of State on 8 February 2006 in Tripoli.

Despite the extremely important efforts made by the Chadian Government and by the head of State himself in order to help resolve the Darfur conflict, Chad has nevertheless continued to be the target of armed bands and mercenaries in the pay of the Government of Khartoum. There have been numerous instances of aggression and destabilization, and the attacks against the towns of Adré on 19 December 2005, Adé on 30 March 2006, Moudeyna on 6 April 2006, Haraze Mangueigne on 6 and 11 April 2006, and N'Djamena on 13 April 2006 amply demonstrate the acts of destabilization planned by the Sudanese Government.

Consequently, the irrefutable proof of the aggression and destabilization orchestrated by the Sudan against Chad definitely demonstrates a real threat to the national institutions and even the subregion.

Admittedly, there is no need to dwell on the unfortunate turns that this situation has taken, but it is important to underscore the clear desire of the Sudanese Government to destabilize Chad since the concern of the Chadian Government, which has been repeatedly brought to the attention of the African Union and the international community, has not received the appropriate response aimed at halting the acts of destabilization by the Sudan.

In view of the foregoing, therefore, my Government urgently requests the Security Council, pursuant to the relevant provisions of the Charter of the United Nations, particularly Articles 34 and 35, to consider this situation in order to halt this macabre venture by the Sudan. The Minister for Foreign Affairs of the Republic of Chad intends to participate personally at the public meeting of the Council as soon as it has been scheduled.

I should like to be informed of the date of the meeting requested.

(*Signed*) Mahamat Ali **Adoum**
Ambassador
Permanent Representative

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United Nations A/60/890–S/2006/409

General Assembly
Security Council

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General Assembly
Sixtieth session
Agenda item 114
Admission of new Members to the United Nations

Security Council
Sixty-first year

Application of the Republic of Montenegro for admission to membership in the United Nations

Note by the Secretary-General

In accordance with rule 135 of the rules of procedure of the General Assembly and rule 59 of the provisional rules of procedure of the Security Council, the Secretary-General has the honour to circulate herewith the application of the Republic of Montenegro for admission to membership in the United Nations, contained in a letter dated 5 June 2006 from the President of the Republic of Montenegro to the Secretary-General (see annex).

06-39202 (E) 160606

Annex

Letter dated 5 June 2006 from the President of the Republic of Montenegro to the Secretary-General

In line with the results of the referendum held in the Republic of Montenegro on 21 May 2006, organized in accordance with article 60 of the Constitutional Charter of the State Union of Serbia and Montenegro, in my capacity as President of the Republic of Montenegro, I have the honour to request the admission of the Republic of Montenegro to membership in the United Nations.

Accordingly, I should be grateful if you would arrange for the present letter to be submitted to the Security Council and the General Assembly as soon as possible.

For this purpose, a declaration made in pursuance of rule 58 of the provisional rules of procedure of the Security Council and rule 134 of the rules of procedure of the General Assembly is appended to this letter (see enclosure).

(*Signed*) Filip **Vujanović**
President of the Republic of Montenegro

Enclosure

Declaration

In connection with the application of the Republic of Montenegro for membership in the United Nations, I have the honour, on behalf of the Republic of Montenegro and in my capacity as President of the Republic, to solemnly declare that the Republic of Montenegro accepts the obligations contained in the Charter of the United Nations and undertakes to fulfil them.

(*Signed*) Filip **Vujanović**
President of the Republic of Montenegro